

Document # 4607

MEMORANDUM

MAY 21, 1985

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: RICHARD GARVER, DEPUTY DIRECTOR, COMMUNITY DEVELOPMENT
EDITH NETTER, ASSISTANT DIRECTOR, LAND USE AND
ENVIRONMENTAL POLICY
WILLIAM ARTHUR REILLY, PROJECT COORDINATOR
LINDA BOURQUE, DIRECTOR OF ZONING

SUBJECT: APPROVAL OF DEVELOPMENT IMPACT PROJECT PLAN
FOR THE SCHRAFFTS CENTER IN SULLIVAN SQUARE,
CHARLESTOWN; DEVELOPER, THE FLATLEY COMPANY

The Flatley Company, a sole proprietorship of Thomas J. Flatley, requests approval of a Development Impact Project Plan in the Charlestown Urban Renewal Area. The Schraffts Center project is the conversion and rehabilitation of the old Schraffts candy plant in Charlestown. The project will consist of the renovation of approximately 570,000 gross square feet on six floors and mezzanine.

The developer is proposing to renovate the space to accommodate 498,000 square feet of high technology research and development as well as office space, with a cafeteria and a health club. Included in the development will be parking for approximately 774 cars to service the facility and a public park, a small community sailing club, and a water taxi facility on the Mystic River.

The project is subject to "linkage" payments for low and moderate income housing in the City, which will total approximately \$88,450.

It is estimated that the project will create approximately 200 construction jobs and over 2,000 permanent jobs. The developer has agreed to formulate a voluntary Employment Opportunity Plan in the future, which plan will detail the developer's good faith efforts to assure that 50% of the employment opportunities created in the project will be made available to Boston residents.

We therefore recommend that the Authority approve the Development Impact Project Plan for The Schraffts Center, Charlestown, and authorize the Director to execute the Development Impact Project Agreement with the developer.

Appropriate votes follow:

VOTED: That in connection with the Development Impact Project Plan for the former Schraffts candy factory, in the Charlestown district of Boston, presented at a public hearing duly held at the offices of the Authority on May 21, 1985, and after con-

sideration of the evidence presented at that hearing, the Boston Redevelopment Authority finds that said Plan (1) conforms to the general plan for the City of Boston as a whole; (2) contains nothing that will be injurious to the neighborhood or otherwise detrimental to the public welfare; and (3) does adequately and sufficiently satisfy all other criteria and specifications for a Development Impact Project Plan as set forth in Article 26 of the Boston Zoning Code as amended; and further

VOTED: That pursuant to the provisions of Article 26 of the Boston Zoning Code as amended, the Boston Redevelopment Authority hereby approves the Development Impact Project Plan for The Schraffts Center in Charlestown. Said Development Plan is embodied in a written document entitled "Development Impact Project Plan, The Schraffts Center, Sullivan Square, Charlestown," dated May 21, 1985, and in a series of drawings listed in said document; said document and drawings shall be on file in the office of the Director of Zoning of the Authority; and further

VOTED: That the Authority hereby authorizes the Director to execute, in the name and on behalf of the Authority and as an escrow agent for the as yet unformed Neighborhood Housing Trust, a Development Impact Project Exaction Agreement with the developer of The Schraffts Center, and to certify, in the name of the Authority, that plans submitted to the Building Commissioner in connection with said project are in conformity with said Development Impact Project Plan and that the developer has entered into an Agreement with the Authority to be responsible for a Development Impact Project Exaction; and further

VOTED: That in reference to petitions Z-7667-7670, brought by the Flatley Company, for seven conditional uses as listed in the Development Impact Project Plan for The Schraffts Center 729-a-b-c, Charlestown, which Plan is approved by the Authority today, the Boston Redevelopment Authority recommends approval provided that the Authority and the Developer have executed a Development Impact Project Agreement and that plans are submitted to the Authority for design review approval to ensure that the plans are consistent with the plans previously approved by the Authority and with the Development Impact Project Plan. The conditional uses requested in said petitions are in conformity with said Development Plan and with the Charlestown Urban Renewal Plan.

Development Impact Project Plan
for
The Schraffts Center
Sullivan Square, Charlestown

Developer:

The Flatley Company, a sole proprietorship of Thomas J. Flatley of 150 Wood Road, Braintree, Massachusetts.

Architect:

Broadstreet Design - Boston, Massachusetts

Site Description:

The site contains approximately 15.7 acres of which 7.8 acres are private tidelands and 8.1 acres are developed up land, located at 529 Main Street in the Sullivan Square section of Charlestown. The site is bounded on the west by the Ryan Playground, on the east by the old Brockway Smith manufacturing facility and the B & M Railroad, on the north by the Mystic River, and the south by Main Street. (Please refer to the attached site plan.)

General Description of Project Development and Uses:

The Schrafft's Center project is the proposed conversion and rehabilitation of the old Schrafft's Candy Plant in Charlestown into a 588,000 square foot office/research and development facility. The recently vacated building is a six-story poured in place concrete structure built in 1928 and used exclusively as a light manufacturing facility. The building will be completely renovated with the addition of the new windows, elevators and mechanical systems. The old power plant will be renovated for use as a health club as an amenity for the tenants. The site will be extensively regraded and landscaped so as to provide an additional 275 parking spaces to service the new facility. Existing vehicular access from both Main and Alford Streets will continue. There will also be extensive landscaping to provide a public waterfront park along the water side of the property where formerly there was no public access. The park will also include a small community sailing club and water taxi facility on the Mystic River at a new pile supported pier, designed to compliment the new harbor park facilities in the Boston Harbor area. To develop these facilities, dredging will be performed in waters of the Commonwealth. Approximately 25,000 cubic yards of sand, silt and clay will be dredged to provide the boat facilities. These materials will be disposed of behind a stone bulkhead. The waterfront park will require 26,000 cubic yards of filling of private tidelands above the mean tide line. An additional 38,000 cubic yards of fill will be placed on private tidelands to provide for part of the parking. All filling will be performed behind the proposed bulkhead. The bulkhead will be constructed to connect to and not extend beyond the existing bulkheads on adjacent property to either side of the site. The building renovation will create a research and development center which will attract in excess of 2,000 new jobs to the Charlestown neighborhood of the City of Boston.

Estimated Construction Time:

Construction is scheduled for completion in 1986.

Projected Number of Employees:

During the construction period approximately 200 jobs for a total of 400 man years. After completion, in excess of 2,000 full-time jobs will be created ranging from technician to engineer and executive, with the majority of the jobs being available to city residents.

Development Impact Project Exaction:

It is estimated that approximately 20% of the facility will be revised for strictly office and retail facilities. The remainder will be devoted to light manufacturing, research and development and other allied high technology uses.

In accordance with the applicable ordinances, a development exaction fee will be paid as follows.

588,488	sq. ft. total
x 20%	sq. ft. office & retail
117,690	sq. ft.
-100,000	
17,690	
x \$5	
\$88,450	

The payment amount shall be one-twelfth of \$88,450 or \$7,371 per annum for twelve years.

The developer has agreed to recalculate the area subject to the development Project Exaction after final occupancy certificates have been issued to reflect any changes in the anticipated percentage of uses subject to the exaction.

Density:

Total building density is being reduced by elimination of mezzanine levels within the building and will not exceed a F.A.R. of 2.0.

Proposed Traffic Circulation:

Access to the site will be by way of two existing curb cuts on Main Street and Alford Street. The site is directly across Sullivan Square from the Orange Line T Stop and participation in the T-Pass Program is being promoted among the tenants. A shuttle bus is also being provided to the station in order to make this option more convenient.

A minimum number of parking spaces; 774 are proposed for the site and are considered essential to make this facility competitive with other nearby facilities.

Design Review:

The developer has agreed to continue to work with the Authority Staff to obtain design approval for the building, site parking issues, landscape design, public access to the proposed waterfront park, and review of environmental issues related to the waterfront issues.

Zoning Deviations

The specific action requested of the Board of Appeal is for Conditional Use Permits.

1. To change the occupandy of the main structure of 529 Main Street from Manufacturing to Research and Development, Light Industrial and Manufacturing, Office, Restaurant Accessory Retail and on site parking.
2. To change the occupancy at 529A Main Street which is the annex building at the rear from Light Assembly and Manufacturing to Research and Development, Light Manufacturing.
3. To change the occupancy at 529B Main Street from Power Plant to Health Club/ Recreational Facility.
- 4) For use of premises at 529C Main Street as a Marina and Waterfront Park.

[illegible]

THE SCHRAFFTS CENTER
SULLIVAN SQUARE, CHARLESTOWN

DEVELOPMENT IMPACT PROJECT AGREEMENT

AGREEMENT made this day of , 1985 by and between Thomas J. Flatley of 150 Wood Road, Braintree, Massachusetts 02184 (the "Applicant") and the Boston Redevelopment Authority, a body politic and corporate created pursuant to Chapter 652 of the Acts of 1960, as amended (the "Authority") acting on its own behalf and as escrow agent for the Neighborhood Housing Trust as defined in Section 26-2 of Article 26 of the Boston Zoning Code (the "Trust"). The Applicant and Authority, collectively, are herein referred to as the parties.

WHEREAS, the Applicant proposes to develop in accordance with a Development Impact Project Plan approved by the Authority on May 21, 1985 ("DIPP") the building located at 59 Main Street, Charlestown (the "Site"), which Site is more particularly described on Exhibit 1 annexed hereto; and

WHEREAS, the Applicant proposes to rehabilitate the Schrafft's building for office, research and development, light manufacturing, industrial, recreational, restaurant and retail uses (the "Project") which constitutes a "Development Impact Project" as defined in Section 26-2 of Article 26 of the Boston Zoning Code as in effect on the date hereof; and

WHEREAS, the Applicant has submitted to the Authority a Development Impact Project Plan for such Project complying with the requirements of Section 26-2, subparagraph 2 of Article 26; and

WHEREAS, the Authority, after a public hearing held on May 21, 1985, notice of which hearing was published in the Boston Herald on May ___, 1985, has approved such Development Impact Project Plan pursuant to Section 26-3, subparagraph 1 of Article 26 on May ___, 1985; and

WHEREAS, the Neighborhood Housing Trust contemplated by Article 26 has not yet been established as of the date hereof;

NOW, THEREFORE, the parties hereto agree as follows:

1. Capitalized terms used herein without definition shall have the meanings described in Section 26-2 of Article 26.
2. Applicant agrees to develop and carry out the Project as described in the DIPP.

3. The parties agree that the Project to be developed by Applicant upon the Site constitutes a mixed use project combining the following uses enumerated in Section 8-7 of the Boston Zoning Code:

<u>Use</u>	<u>Use Item Number</u>
Office	39, 41
Retail, Business	34-37
Research and Development, Light Manufacturing, Industrial, Marina and Health Club	30, 48, 52, 68, 70

and that the gross floor area of said Project devoted to one or more of the foregoing uses in the aggregate will exceed 100,000 square feet. The exact gross floor area of such Project to be devoted to such uses will be determined based upon the building plans submitted to the Inspectional Services Department for the City of Boston for the Project approved by the Authority pursuant to the Authority's Design Review Procedure, which in this case shall include a review of the parking and landscaping features, pedestrian access and treatment of the water's edge on the Mystic River.

4. Within thirty (30) days following approval by the Authority of the building plans for the Project, the Applicant shall submit to the Authority a calculation of gross floor area, made in accordance with the requirements of the Boston Zoning Code, of those portions of the Project devoted to the uses described in paragraph 3 above. Such calculation shall be certified by the architect of record for this Project. The Applicant shall be required, upon reaching 90% occupancy for this Project, to recalculate the gross floor area of each use within the Project. In the event that the uses of the building differ from those presently projected, Applicant agrees to satisfy any such Exaction Payment (hereinafter defined) then required in accordance with the recalculated uses.

5. The Applicant shall be responsible, in accordance with the terms of this Agreement, for the payment of a Development Impact Project Exaction, as defined in Section 26-2(3) of the Boston Zoning Code. The Applicant hereby agrees to satisfy the Development Impact Project Exaction, determined by multiplying the gross floor area of each use enumerated in Table C of subparagraph 2(a) of Section 26-3 of Article 26 of the Code, pursuant to paragraph 4 above, in excess of 100,000 square feet by Five (\$5.00) Dollars. Based upon the schematic design for the Project approved by the Authority, it is estimated that the total amount of such Development Impact Project Exaction will be Eighty-Eight Thousand Four Hundred Fifty 00/100 Dollars (\$88,450.00), calculated as follows:

Total Project less Mechanical Equipment Space Subject to Exaction	117,690 s.f.
Minus	<u>100,000</u> s.f.
	17,690 s.f.
Times	x <u>5.00</u>
Total	88,450

The Applicant may, at its option, satisfy its obligation for the Development Impact Project Exaction by either (1) the payment of money to the City of Boston acting by and through the Neighborhood Housing Trust, or if such Trust has not been created, then to the Authority or (2) a contribution to the creation of housing units for occupancy exclusively by low and moderate income residents of the City of Boston.

If the Applicant elects to satisfy this responsibility pursuant to option 1, it must submit the total of the Development Impact Project Exaction, as determined by the formula set forth above in twelve equal annual payments. The initial payment shall be due and payable on the Payment Date. (The Payment Date is 24 months after the issuance of the first building permit obtained in connection with the Project or on the issuance of a Certificate of Occupancy whichever occurs sooner.) The subsequent installment payments shall be due and payable without accruing interest on the subsequent eleven anniversary dates of the initial Payment Date.

Should the Applicant elect to satisfy its responsibility pursuant to option 2, it shall submit to the Authority a written proposal on or before the Payment Date, setting forth a description of the number, location, cost and design of the housing units. The proposal must satisfy the Housing Creation Exaction requirement, set forth in subparagraph 3(b) of Section 26-2 of Article 26 of the Boston Zoning Code and shall provide for the creation of housing units at a minimum cost equal to the Development Impact Project Exaction as determined by the formula set forth above. This proposal shall be subject to approval of the Authority after public notice and hearing.

6. As security for the payment of installments of the Development Impact Project Exaction subsequent to the first installment, the Applicant shall provide for the benefit of the Authority one or more letters of credit in the aggregate amount of 11/12 of the amount of the Development Impact Project Exaction as so calculated. Such letter or letters of credit shall be provided to the Authority on the date of payment of the first installment of such Development Impact Project Exaction. Applicant may provide such letter or letters of credit having expiration dates earlier than the expiration of the 11-year period

during which subsequent installments of the Development Impact Project Exaction are required in accordance with Article 26, provided that such letters of credit shall authorize the Authority to draw upon them if not replaced at least 30 days prior to their expiration date. Letters of credit to be provided by the Applicant as required by this paragraph 6 shall be substantially in the form of Exhibit 2 annexed hereto.

The principal amount of such letter or letters of credit may be reduced by Applicant after payment by Applicant to the Authority of any installment of the Development Project Impact Exaction, such principal reduction to be in an amount equal to the installment payment then made by the Applicant. The Authority will take all steps necessary to enable Applicant to implement such reduction, including providing its written assent to any amendment to such letter or letters of credit, if required by the issuer thereof, or the exchange of the letter or letters of credit held by the Authority for one or more substitute letters of credit having the lower principal amount.

The Authority agrees that the Applicant shall have no personal liability for the obligations of the Applicant hereunder. The Authority agrees to look only to the assets of the Applicant for this Project in the event of any breach by Applicant of its obligations hereunder; provided, however, that from and after the delivery by the Applicant to the Authority of the letter or letters of credit described in this Paragraph 6, the Authority shall look solely to the proceeds of such letters of credit as security for the performance of the obligations of the Applicant with regard to the Development Impact Project Exaction, it being understood that the Authority shall thereafter look to no other assets of the Applicant, including, without limitation, the Project or the right to the use and occupancy thereof, in the event of a breach by the Applicant of its obligations hereunder.

7. Applicant agrees to formulate a voluntary Employment Opportunity Plan, which plan will detail Applicant's good faith efforts to assure that 50% of the employment opportunities created in the Project will be made available to Boston residents.

8. This Agreement shall be governed by the laws of the Commonwealth of Massachusetts and, except as otherwise provided in paragraph 7 above, notwithstanding any subsequent amendment or repeal (or court decision having the effect of amendment or repeal) of Article 26, shall be binding upon and insure to the benefit of the respective successors and assigns of the parties hereto, including, without limitation, any successor owner of all or any portion of the Project and the Trust as successor to the Authority as and when such Trust shall be established.

Executed the day and date first above written.

THOMAS J. FLATLEY

Approved as to form:

By: _____

Chief General Counsel
Boston Redevelopment
Authority

BOSTON REDEVELOPMENT AUTHORITY

By: _____

Site Description:

The site contains approximately 11.7 acres of which 7.8 acres are private sidewalks and 3.9 acres are owned by the City of Boston. The site is bounded on the west by the City of Boston, on the east by the old Broadway South manufacturing facility and the S. A. M. Building, on the north by the City of Boston, and on the south by Main Street. (Please refer to the attached site plan.)

General Description of Project Development and Uses:

The Schreff's Center project is the proposed conversion and rehabilitation of the old Schreff's Candy Plant in Charlestown into a 100,000 square foot office/research and development facility. The recently vacated building is a six-story poured in place concrete structure built in 1920 and used exclusively as a light manufacturing facility. The building will be completely renovated with the addition of the new windows, elevator and mechanical systems. The old power plant will be renovated for use as a hatch dock as an amenity for the tenants. The site will be extensively regraded and landscaped so as to provide an additional 175 parking spaces to service the new facility. Existing vehicle access from both Main and Alfred Streets will remain. There will also be extensive landscaping to provide a public waterfront park along the water side of the property where formerly there was no public access. The park will also include a small community sailing club and water taxi facility on the Mystic River as a new public supported pier, designed to complement the new harbor park facilities in the Boston Harbor area. To develop these facilities, dredging will be performed in waters of the Commonwealth, approximately 11,000 cubic yards of sand, silt and clay will be dredged to provide the best facilities. These materials will be disposed of behind a stone bulkhead. The waterfront park will require 10,000 cubic yards of filling of private sidewalk along the main side line. An additional 10,000 cubic yards of fill will be placed on private sidewalk to provide for part of the parking. All filling will be performed behind the proposed bulkhead. The bulkhead will be constructed to extend to and not extend beyond the existing bulkhead on adjacent property on either side of the site. The building renovation will create a research and development center which will attract a total of 1,000 new jobs to the Charlestown neighborhood of the City of Boston.

Developemnt Impact Project Plan
for
The Schraffts Center
Sullivan Square, Charlestown

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Broadstreet Design - Boston, Massachusetts

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Design Review:

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Zoning Deviations

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2. To change the occupancy at 529A Main Street which is the annex building at the rear from Light Assembly and Manufacturing to Research and Development, Light Manufacturing.
3. To change the occupancy at 529B Main Street from Power Plant to Health Club/ Recreational Facility.
- 4) For use of premises at 529C Main Street as a Marina and Waterfront Park.

FIGURE 1: LOCATION OF THE SCHRAFFT'S PROPERTY

